

REMARKS

Claims 1 - 3 remain in this application. Claim 1 has been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

In the present Office Action, claims 1 - 3 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 1, lines 7 - 8 were found unclear because the suspension arms are claimed to be mounted pivotally to the vehicle frame or chassis by means of anti-roll means. Claim 1 has now been amended to read in part that "said anti-roll means is of a generally straight shape, is connected rigidly and directly between the pair of longitudinal leaf spring suspension arms and is connected pivotally at each end to the vehicle frame or chassis." For clarity, claim 1 has also been amended to read in part that the suspension arms "act as beams which are pivotally mounted at their one ends to the vehicle frame or chassis by means of said anti-roll means during normal vehicle motion." It is now clear in claim 1 that the suspension arms are pivotally mounted to the vehicle frame or chassis by means of the anti-roll means. The anti-roll means is connected rigidly and directly between the pair of longitudinal leaf spring suspension arms, and the anti-roll means is connected pivotally at each end to the vehicle frame or chassis. Applicant submits that claims 1 - 3 are now definite.

Also, for consistency, in the last line of claim 1 "the anti-roll means" has been amended to read --said anti-roll means--.

Claims 1 - 3 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 6 of copending Application No. 10/009,600. Applicant respectfully traverses this rejection. The present application is a divisional of Application No. 10/009,600 (Application No. 10/009,600 will be hereinafter referred to as "the parent application"). The present application was filed as a divisional of the parent application due to a requirement for

BEST AVAILABLE COPY

restriction in the parent case. 35 U.S.C. 121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent. See MPEP Section 804.01. Since the present application was filed as a divisional of the parent application due to a restriction requirement in the parent application, the use of the parent application as a reference against the present application in a double patenting type rejection is improper.

Furthermore, in the parent application, the one ends of the leaf-spring suspension arms are connected pivotally to the vehicle frame or chassis, with the anti-roll means being connected rigidly between the suspension arms at or adjacent the pivotal connection points of those arms to the frame or chassis. The suspension arms of the present application are distinct in that the one ends of the leaf spring suspension arms are connected rigidly to the anti-roll means, and the anti-roll means is connected pivotally at both of its ends to the vehicle frame or chassis. For example, see Figs. 9A and 9B of the specification. This distinction between the parent application and the present application is further supported by the amendments to claim 1 discussed above. Applicant submits that claims 1 - 3 of the present application are patentably distinct from claims 1 and 6 of the parent application and do not claim the same invention. Therefore, applicant respectfully requests that the provisional rejection of claims 1 - 3 over claims 1 and 6 of the copending parent application be withdrawn.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to present the claims in condition for allowance. Favorable action is requested.

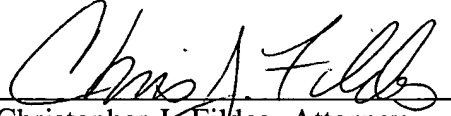
BEST AVAILABLE COPY

U.S. Application No. 10/700,253 -- 5

Respectfully submitted,

John Bolland Reast

Fildes & Outland, P.C.

A handwritten signature in cursive script, appearing to read "Chris J. Fildes", written over a horizontal line.

Christopher J. Fildes, Attorney

Registration No. 32,132

20916 Mack Avenue, Suite 2

Grosse Pointe Woods, MI 48236

(313) 885-1500

BEST AVAILABLE COPY